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1995/07/28

PRIORITY

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EAP/L CARDS CENTER

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6. JAPAN: POW LAWSUIT

024319 SB47885

CHRISTOPHER

STATE 180590 280749Z

024319 SB47885

Q. DO YOU HAVE ANY COMMENT ON THE SUIT FILED BY FIVE
ALLIED POW'S FROM WWII?

A. THE CHARGE AT OUR EMBASSY IN TOKYO MET WITH SOME
OF THE AMERICANS INVOLVED IN THE SUIT EARLIER THIS
WEEK. SIMILARLY, DEPARTMENT OFFICERS HAVE TALKED
WITH SOME OF THESE FORMER POW'S IN THE PAST.

-- WE ARE VERY SYMPATHETIC TO THE TERRIBLE SUFFERING
EXPERIENCED BY THESE FORMER POW'S AND CIVILIAN
INTERNEES. HOWEVER, WE DO NOT THINK IT WOULD BE
APPROPRIATE TO COMMENT ON AN ON-GOING LEGAL ACTION.

NOTE TO THE BRIEFER:

-- UNDER THE TREATY OF PEACE OF SEPTEMBER 8, 1951,
JAPAN GAVE THE WWII ALLIES, INCLUDING THE UNITED
STATES GOVERNMENT, THE RIGHT TO SEIZE AND DISPOSE
OF JAPANESE ASSETS IN ORDER TO SATISFY THEIR WAR
CLAIMS AS WELL AS THOSE OF THEIR CITIZENS. IN

RETURN, THE ALLIED POWERS -- INCLUDING THE UNITED
STATES -- WAIVED ANY RIGHT TO FURTHER REPARATIONS
OR CLAIMS. ACCORDINGLY, THE UNITED STATES
GOVERNMENT IS CONSTRAINED FROM REQUESTING JAPANESE
GOVERNMENT REPARATIONS FOR AMERICAN CITIZENS WHO
WERE HELD BY THE JAPANESE AS PRISONERS OF WAR.

-- IN ACCORDANCE WITH THE WAR CLAIMS ACT OF 1948, AS
AMENDED, THE U.S. GOVERNMENT ESTABLISHED AND
ADMINISTERED TEN PRISONER OF WAR AND CIVILIAN
INTERNEE COMPENSATION PROGRAMS, AS WELL AS FOUR
WAR DAMAGE AND LOSS PROGRAMS. ALL PAYMENTS UNDER
THOSE PROGRAMS RELATING TO CLAIMS AGAINST JAPAN
DURING WORLD WAR II WERE MADE FROM THE LIQUIDATION
OF JAPANESE ASSETS BLOCKED AND VESTED IN THE
UNITED STATES IN ACCORDANCE WITH THE TRADING WITH
THE ENEMY ACT, RATHER THAN FROM MONIES
APPROPRIATED FROM THE GENERAL REVENUES OF THE
UNITED STATES. THE DEADLINES FOR FILING CLAIMS
UNDER EACH OF THESE PROGRAMS EXPIRED SEVERAL YEARS
AGO.... THE CLAIMS PROGRAMS ARE NOW COMPLETE AND
RECOVERY UNDER THEM IS NO LONGER POSSIBLE.

7. SINGAPORE: IHT LIBEL TRIAL

Q. DO YOU HAVE ANY COMMENT ON THE DECISION BY A
SINGAPORE COURT TO ORDER THE INTERNATIONAL HERALD TRIBUNE
TO PAY LIBEL DAMAGES OF USD 678,000 TO THE COUNTRY'S
THREE TOP LEADERS?

A. THE JUDGMENT GROWS OUT OF A PERSONAL LIBEL SUIT
BROUGHT AGAINST THE INTERNATIONAL HERALD TRIBUNE
BY SENIOR MINISTER LEE KUAN YEW, HIS SON, DEPUTY
PRIME MINISTER B.G. LEE, AND PRIME MINISTER GOH.
THE SUIT RESULTS FROM AN AUGUST 2, 1994 OPINION
PIECE IN THE IHT BY PHILIP BOWRING ENTITLED "THE
CLAIMS ABOUT 'ASIAN' VALUES DON'T USUALLY BEAR
SCRUTINY."

-- I DON'T HAVE ANYTHING FOR YOU REGARDING THE
SPECIFIC LEGAL ISSUES OF THIS CASE.

-- HOWEVER, WE BELIEVE THAT FREEDOM OF EXPRESSION IS
A UNIVERSAL RIGHT OF ALL PEOPLE, REGARDLESS OF
THEIR NATIONALITY OR CULTURE

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